

106TH CONGRESS
2D SESSION

H. R. 3667

To amend the Immigration and Nationality Act to modify the provisions governing naturalization of children born outside of the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2000

Mr. DELAHUNT (for himself and Mr. GEJDENSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to modify the provisions governing naturalization of children born outside of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Citizenship Act
5 of 2000”.

1 **SEC. 2. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR**
2 **CERTAIN CHILDREN BORN OUTSIDE UNITED**
3 **STATES.**

4 (a) IN GENERAL.—Section 320 of the Immigration
5 and Nationality Act (8 U.S.C. 1431) is amended to read
6 as follows:

7 “CHILDREN BORN OUTSIDE UNITED STATES; CONDITIONS
8 UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED

9 “SEC. 320. (a) A child born outside of the United
10 States automatically becomes a citizen of the United
11 States when all of the following conditions have been ful-
12 filled:

13 “(1) At least one parent of the child is a citizen
14 of the United States, whether by birth or naturaliza-
15 tion.

16 “(2) The United States citizen parent—

17 “(A) has been physically present in the
18 United States or its outlying possessions for a
19 period or periods totaling not less than five
20 years, at least two of which were after attaining
21 the age of fourteen years; or

22 “(B) has a citizen parent who has been
23 physically present in the United States or its
24 outlying possessions for a period or periods to-
25 taling not less than five years, at least two of

1 which were after attaining the age of fourteen
2 years.

3 “(3) The child is under the age of eighteen
4 years.

5 “(4) The child is residing in the United States
6 in the legal and physical custody of the citizen par-
7 ent pursuant to a lawful admission for permanent
8 residence.

9 “(b) Subsection (a) shall apply to a child adopted by
10 a United States citizen parent if the child satisfies the re-
11 quirements for being a child under subparagraph (E) or
12 (F) of section 101(b)(1).”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 of such Act is amended by striking the item relating to
15 section 320 and inserting the following:

 “Sec. 320. Children born outside United States; conditions under which citizen-
 ship automatically acquired.”.

16 **SEC. 3. ACQUISITION OF CERTIFICATE OF NATURALIZA-**
17 **TION FOR CERTAIN CHILDREN BORN OUT-**
18 **SIDE UNITED STATES.**

19 (a) IN GENERAL.—Section 322 of the Immigration
20 and Nationality Act (8 U.S.C. 1433) is amended to read
21 as follows:

1 “CHILDREN BORN AND RESIDING OUTSIDE UNITED
2 STATES; CONDITIONS FOR ACQUIRING CERTIFICATE
3 OF NATURALIZATION

4 “SEC. 322. (a) A parent who is a citizen of the
5 United States may apply for naturalization on behalf of
6 a child born outside of the United States. The Attorney
7 General shall issue a certificate of naturalization to such
8 parent upon proof, to the satisfaction of the Attorney Gen-
9 eral, that the following conditions have been fulfilled:

10 “(1) At least one parent is a citizen of the
11 United States, whether by birth or naturalization.

12 “(2) The United States citizen parent—

13 “(A) has been physically present in the
14 United States or its outlying possessions for a
15 period or periods totaling not less than five
16 years, at least two of which were after attaining
17 the age of fourteen years; or

18 “(B) has a citizen parent who has been
19 physically present in the United States or its
20 outlying possessions for a period or periods to-
21 taling not less than five years, at least two of
22 which were after attaining the age of fourteen
23 years.

24 “(3) The child is under the age of eighteen
25 years.

14 “(c) Subsections (a) and (b) shall apply to a child
15 adopted by a United States citizen parent if the child sat-
16 isfies the requirements for being a child under subpara-
17 graph (E) or (F) of section 101(b)(1).”.

“Sec. 322. Children born and residing outside United States; conditions for acquiring certificate of naturalization.”.

Section 321 of the Immigration and Nationality Act
(8 U.S.C. 1432) is repealed.

1 **SEC. 5. EFFECTIVE DATE; SPECIAL PROVISION FOR PER-**
2 **SONS BORN OUTSIDE UNITED STATES AND**
3 **ADMITTED WHILE UNDER 18.**

4 (a) **EFFECTIVE DATE.**—The amendments made by
5 this Act shall take effect 120 days after the date of the
6 enactment of this Act.

7 (b) **SPECIAL PROVISION FOR CERTAIN PERSONS AD-**
8 **MITTED AS LAWFUL PERMANENT RESIDENTS WHILE**
9 **UNDER AGE 18 ON OR AFTER JANUARY 1, 1988.**—

10 (1) **IN GENERAL.**— A person may apply to the
11 Attorney General for a certificate of naturalization if
12 such person—

13 (A) on the date of the enactment of this
14 Act, is 18 years of age or older;

15 (B) while under the age of 18, and on or
16 after January 1, 1988, was admitted to the
17 United States for lawful permanent residence;
18 and

19 (C) after such admission, satisfied the re-
20 quirements relating to children born outside of
21 the United States in section 322 of the Immi-
22 gration and Nationality Act (8 U.S.C. 1433)
23 (as in effect on the date of the enactment of
24 this Act).

25 (2) **ISSUANCE OF CERTIFICATE.**—Upon ap-
26 proval of the application (which may be filed from

1 abroad) and upon taking and subscribing before an
2 officer of the Immigration and Naturalization Serv-
3 ice within the United States to the oath of allegiance
4 required by the Immigration and Nationality Act of
5 an applicant for naturalization, the applicant shall
6 become a citizen of the United States and shall be
7 furnished by the Attorney General with a certificate
8 of naturalization.

9 (3) EFFECTIVE DATE.—This subsection shall
10 take effect on the date of the enactment of this Act.

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